

ABC, Inc.



Glen A. Smith
Vice President
Law & Regulation

May 10, 2010

VIA MESSENGER SERVICE

Nader Haghighat
District Director
Federal Communications Commission
18000 Studebaker Road
Suite 660
Cerritos, CA 90703

Re: Response to Letter of Inquiry
File No: EB-10-LA-0020

Dear Mr. Haghighat:

The following constitutes the response of ABC Holding Company, Inc. ("ABC"), licensee of KABC-TV ("KABC" or "Station") to the Letter of Inquiry dated April 23, 2010 from the Western Region of the FCC's Enforcement Bureau ("Letter of Inquiry"). This response consists of this letter, the attached declaration of Station President Arnold J. Kleiner, and the attached declaration of the Station's Supervisor of Public Affairs, Ruth House (with Exhibits).

ABC and KABC-TV take very seriously the requirements of Section 73.3526 of the Commission's rules regarding the maintenance of a Public Inspection File, including the rules regarding public access to the file, and are committed to full compliance with those rules.

A recent spot inspection of the KABC-TV public file by two FCC agents on February 26, 2010, found the file itself to be in compliance with the rules. Unfortunately, due to a breakdown in Station procedures, the agents were unable to gain immediate access to the file on February 25 when they first attempted a visit. KABC-TV acknowledges that the Station's failure to ensure prompt access to the file on February 25 was in violation of Commission rules and has implemented measures to ensure that such failure does not recur and that members of the public can achieve immediate access to the file at any time during regular business hours.

The following is a recitation of the facts according to the best recollection of the KABC-TV employees involved, followed by point-by-point answers to the specific questions posed in the Letter of Inquiry.

I. Facts

At approximately 12:00 noon on February 25, 2010, two individuals arrived by car at the security booth at the entrance to the parking area for the Station at 500 Circle Seven Drive in Glendale, California and asked to view the Station's Public File. One of the security guards, per established Station procedures, attempted to call the Public Affairs Department to arrange for access to the parking lot and building. Unfortunately, an intern who was not familiar with the rules answered the phone. Ruth House, the Station's Supervisor of Public Affairs who has primary responsibility for maintaining the Public File, was at that time out of the office with her Supervisor, Teresa Samaniego, the Director of Public Affairs. Both were attending a community event organized by the Inter-Agency Council on Child Abuse and Neglect to announce a new Public Service Announcement on preventing children from becoming victims of cyber crime. The Station's Director of Diversity Programs and Community Relations, Diane Medina, who supervises the Public Affairs Department, was also out of the office at the same time. Since Ms. House, Ms. Samaniego and Ms. Medina were not in the office, the intern provided the guard with the office telephone number of Ms. House for her to provide to the individuals, which she did. One of the individuals called the number and left a message for Ms. House. See the attached Declaration of Ruth House ("House Declaration") paragraphs 3 thru 4, and 9.

Ms. House returned to her office from the public affairs community event at approximately 3:00 PM, heard the message, and promptly returned the call, not knowing that the individual represented the FCC. See House Declaration, paragraphs 3 thru 4. In her message, she stated that he was welcome to come and look at the file at any time either by making an appointment with her, in order to ensure that she would be available to help him with any questions or making copies of documents, or by simply coming to the station and asking to speak to the Public Affairs Department to gain admittance to the building and the file.

Neither agent returned Ms. House's call, nor did they return to KABC-TV on February 25. At approximately 12:00 noon on the next day, February 26, the agents returned to the Station by car without any prior appointment or other notice. When they arrived at the security booth and asked to see the Public File, a guard called Ms. House and she promptly authorized the guard to allow them into the Station's parking area. See House Declaration paragraph 4. Ms. House did not know the visitors were with the FCC when she cleared them for entry. The agents were asked by the security guard to show some identification as proof of their name and address before granting them entrance to the parking area and building. This is a standard and prudent security procedure for anyone attempting to enter the Station's parking area and building. The agents then parked their car and entered the lobby of the

Station where they proceeded to view the Public File and met with Ms House and other Station personnel.

II. Responses to Letter of Inquiry Questions.

In response to the specific questions in the April 23 Letter of Inquiry:

1. KABC-TV's policy is to comply fully with the FCC's rules regarding public access to the public file. A policy memo in place at KABC-TV at the time of the agents' visit is attached as Exhibit A to Ms. House's declaration. The policy states clearly that "The Public File is available to the public, Monday through Friday, 9:00 a.m. to 5:00 p.m." It provides that a person is to be provided access to the Public File "immediately" or, alternatively, can "make an appointment." It provides that the person must sign in and will be granted access by a representative of the Public Affairs Department. As explained below, this memo has been amended and reissued to further emphasize that all persons are to be granted immediate access to the Public File if they so wish, upon signing in.
2. Under the Station's policy, both currently and at the time of the agents' visit, visitors are not required to make appointments to view the public file. If someone calls the Station to inquire about the file they are offered the opportunity to make an appointment if that is convenient.
3. If an individual elects to make an appointment, he or she can be accommodated that same day. As noted above, however, the Station does not require appointments in order to view the Public File.

IV. Remedial Actions Undertaken Since the FCC Agents' Visit on February 25 & 26, 2010.

The Station is not aware of any previous complaint from any member of the public regarding access to the Public File during the past ten years since moving to its present location. Members of the public have frequently viewed the Public File, including the Political File, during this time period. At least three other individuals have viewed the Public File this year. See House Declaration, paragraphs 5 & 8.

Since February 26, 2010, the Station has taken steps to reemphasize to personnel its policy that individuals seeking access to the Public File without a prior appointment must be given immediate access and to ensure no further violations of this policy. See House Declaration, paragraph 6.

1. On March 4, 2010, the Station circulated a revised internal statement of policies and procedures, attached as Exhibit B to the Declaration of Ruth House which expressly emphasizes that under Station policy "No appointment is necessary to come in and see the

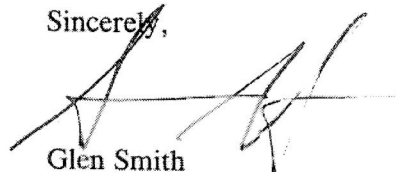
File." The policy states that "If someone comes to the Main Gate and asks to see the Public Inspection File, the Security Guard would call Ruth House" and, if she is not in, directs the Guard to call any of a list of other personnel identified on the memorandum. The statement further provides: "Someone must be notified and the person should not be turned away." Similar provisions are included regarding requests to see the Political File.

2. These and other requirements and procedures regarding access to the Public File and the Political File have been verbally reviewed and emphasized with Station security guards, the receptionists in the Station's lobby and Public Affairs Department personnel. See House Declaration paragraphs 5 thru 7. Security guards have been given cell phone numbers for Public Affairs Department personnel in order to be able to reach them if they are not at their desk at the moment when someone arrives seeking access to the Public or Political File.

Again, KABC-TV and ABC are committed to full compliance with all FCC rules, including the rules regarding public access to the Public File. We regret that the agents were not able to achieve immediate access to the file on February 25, 2010, and we have taken the steps outlined above to ensure that this does not recur with any future visitor seeking Public File access.

Please contact the undersigned if you have any further questions or desire any further information regarding this matter.

Sincerely,



Glen Smith

Vice President - Law & Regulation Dept.
500 South Buena Vista Street
Burbank, CA 91521-4487



Susan Fox


Vice President - Government Relations
1150 17th Street, 4th Floor
Washington, DC 20024

GAS/cm

Enclosures

Declaration of Arnold J. Kleiner.

- 1) I am the President and General Manager of KABC-TV. I have held this position since 1996. I am also Senior Vice President of ABC Holding Company, Inc., the licensee of KABC-TV.
- 2) I have read the letter dated May 10, 2010 and submitted on behalf of KABC in response to the Federal Communications Commission's April 23 Letter of Inquiry.
- 3) I declare, under penalty of perjury that, to the best of my knowledge, information and belief, all of the factual information contained in the May 10 Letter and attachments are true and correct, specifically (but not limited to) the information in Section II (Responses to Letter of Inquiry Questions) and Section IV (Remedial Actions). This Declaration was executed on May 10, 2010, at Glendale, California.

A handwritten signature in dark ink, appearing to read "Arnold J. Kleiner", is written over a horizontal line.

Arnold J. Kleiner

Declaration of Ruth House.

- 1) My name is Ruth House and I am the Public Affairs Supervisor for KABC-TV, located at 500 Circle Seven Drive, Glendale, California (the "Station"). I have primary responsibility for maintenance of the Public File that is located in the lobby area of the Station. I have had this responsibility since 1997. I report to Teresa Samaniego, Director of Public Affairs, and we comprise the Station's Public Affairs Department. The department is headed by Diane Medina, who is the Director of Diversity Programs and Community Relations for the Station. I am making this statement in response to the Letter of Inquiry dated April 23, 2010 from the FCC's Western Region Enforcement Bureau.
- 2) On February 25, 2010 Ms Samaniego and I attended a community relations event on behalf of the station at Cal. State University Northridge. The event was organized by the Inter-Agency Council on Child Abuse and Neglect. A new Public Service Announcement on preventing children from becoming victims of cyber crime was released at the event, which lasted from 11:30 am until 1:00 pm. KABC has been broadcasting the Public Service Announcement that was released at the event.
- 3) When I returned to the Station at approximately 3:00 pm there was a voice mail message on my office telephone from a male individual who said that he was a "concerned citizen" and wanted to look at the station's Public File. He left a telephone number in the message but did not disclose any affiliation with any particular group or agency. I promptly returned the call but no one answered. I left a voicemail message, with my name and phone number, stating that the person was welcome to come and look at the file either by making an appointment with me, in order to insure that I would be available to help him with any questions or making copies of documents, or he could come by the station and ask to speak to the Public Affairs Department to gain admittance to the building and the file. I never received any call in response to my message.
- 4) The next day, on February 26, at a little before 12:00 Noon, I received a call from the guard at the entrance to the parking area for the Station who stated that a person was at the entrance and wanted to see the public file. I did not know the identity of the person and the person had not made a previous appointment to view the Public File. I authorized the guard to allow the person to enter the premises. The receptionist called me again when the gentleman had entered the lobby and I went down stairs to greet him and offer any assistance that he requested. Two men had entered the lobby area and, after a brief discussion about examining the Public File, they showed FCC identification badges. They proceeded to review the Public File, the Political portions of the Public File, and various engineering records. They also met with John Holland, the Station's Vice President of Engineering.

- 5) KABC moved to its present location in December of 2000. Once we were moved-in, I circulated a memo to the various departments of the station, including security, that outlined the procedures to be followed if someone called or visited the station and asked to see the public file. A true and correct copy of that "Public File" policy is attached as Exhibit A to this declaration. During my 13 years of handling the Public File I cannot recall any complaint from any member of the public regarding access to the public file.
- 6) I updated and re-circulated the Public File policy memo on or about March 4, after the FCC's February 26 visit to the Station. The Public Affairs Department is also careful to schedule any time away from the Station to make sure that at least one person on the revised list is present at the Station and available. A true and correct copy of the "Public Inspection File" policy is attached as Exhibit B to this declaration. More contact names have been added to the list. I have discussed the policy with the supervisor of the security guards and the receptionists to make sure that they understand it. Security has also been provided the cell phone numbers of the Public Affairs staff listed as contacts.
- 7) During my 13 years handling the Public File it has always been our policy that visitors seeking access to the Public File are to be allowed immediate access to the file, if they so choose, or may choose instead to make an appointment in advance. This policy has been reflected in the memos referred to above and has been emphasized again verbally with security guards and Public Affairs Department personnel since the events of February 26. This policy is part of our general commitment to complying fully with all FCC rules and regulations regarding the maintenance of the public and political files and the providing of public access to those files.
- 8) This year we have had at least three other visitors who inspected some portion of the station's Public File.
- 9) After the February 27 visit, I discussed the events with other members of the Public Affairs Department. We determined that a college intern had been covering the Department's telephones and answered when the guard called during the agents' first visit on February 25. That is how the security guard, and then the agents were given my name and phone number. I confirmed this with the intern. As stated earlier, Teresa Samaniego and I were attending a Community Relations event. Diane Medina was also out of the office and unavailable when the call came in on the 25th, so there was no one in the Public Affairs Department to assist the intern, who had only recently started working at the Station.

- 10) I regret that the visitors who came to the Station on February 25 were unable immediately to gain access to the public file due to a breakdown of Station procedures, and I am committed to ensuring that this does not happen again.
- 11) I hereby declare, under penalty of perjury, that to the best of my knowledge, information and belief all of the factual information in this Declaration is true and correct. This Declaration was executed on May 11, 2010 at Glendale California.

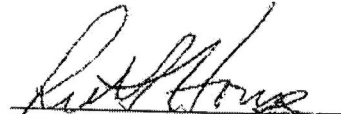

Ruth House

Exhibit A

PUBLIC FILE

The Public File is available to the public, Monday through Friday, 9:00 a.m. to 5:00 p.m. It is located on the first floor, directly to the right as you go through the front doors into the Lobby. **There are two aspects to the Public File: the General Public File and the Political File.** The following are the procedures to access the two Files and the contact names and numbers for each.

GENERAL PUBLIC FILE

1. The individual would call the Public Affairs Department at 818-863-7220 to request access to the Building to view the Public File.
2. If this person had specific questions regarding the Public File, they would be directed to Teresa Samaniego or Ruth House. If not, they would ask to come in and see the File either immediately or make an appointment.
3. Public Affairs will notify the Main Gate who is coming and when, and instruct the Main Gate to call Public Affairs when the individual has arrived.
4. Teresa, Ruth or Monica Ponce in Public Affairs will meet the individual in the Lobby and escort them to the Public File.
5. The individual must sign in.
6. At no time is this person to be left alone while viewing the Public File. If they want copies of anything, the File is to be locked while whomever is with them goes to make copies.
7. If no one is available in the Public Affairs Department when someone is calling, they should be directed to either Jose Mayorquin at 818-863-7233 or Diane Medina at 818-863-7231, both in Diversity Programs, or Susan Lin in Sales at 818-863-7817.

POLITICAL FILE

1. The individual would call Susan Lin in the Sales Department at 818-863-7817 with any questions or to make an appointment to come in and see the File. If Susan is unavailable, Taka Stephens, at 818-863-7829 would handle the call.
2. Susan will notify the Main Gate who was coming and when, and instruct the Main Gate to call her when the individual has arrived.
3. Either Susan or Taka will meet the individual in the Lobby and escort them to the Public File.
4. The individual must sign in.
5. At no time is this person to be left alone while viewing the Political File. If they want copies of anything, the File is to be locked while whomever is with them goes to make copies.

QUICK REFERENCE – Who to call and in what order:

General Public File Questions

1. Public Affairs Department – 818-863-7220
2. Teresa Samaniego – 818-863-7221
3. Ruth House – 818-863-7223
4. Monica Ponce – 818-863-7220
5. Jose Mayorquin – 818-863-7233
6. Diane Medina – 818-863-7231
7. Susan Lin – 818-863-7817

Political File Questions

1. Susan Lin – 818-863-7817
2. Taka Stephens – 818-863-7829
3. Ruth House – 818-863-7223

Exhibit B

PUBLIC INSPECTION FILE

The Public Inspection File is available to the public, Monday through Friday, 9:00 a.m. to 5:00 p.m. It is located on the first floor, directly to the right as you go through the front doors into the Lobby. There are two aspects to the Public Inspection File: the **General Public Inspection File** and the **Political File**. The following are the procedures to access the two files and the contact names and numbers for each.

GENERAL PUBLIC INSPECTION FILE

1. If someone comes to the Main Gate and asks to see the Public Inspection File, the Security Guard would call Ruth House in the Public Affairs Department at (818) 863-7223. If she is not in, please refer to the Quick Reference guide below, as to who to call next. Someone must be notified and the person should not be turned away. No appointment is necessary to come in and see the File.
2. Ruth will meet the individual in the Lobby and escort them to the Public File.
3. The individual must sign in and show proper identification, however, the individual cannot be asked if they represent or are requesting information on behalf of any group or organization. Being a member of the public grants them access to inspect the files.
4. At no time is this person to be left alone while viewing the Public Inspection File. If they want copies of anything, the File is to be locked while an ABC7 employee goes to make the copies.

POLITICAL FILE

1. If someone comes to the Main Gate and asks to see the Political portion of the Public Inspection File, the Security Guard would call Taka Stephens in the Sales Department at (818) 863-7829. If Taka is unavailable, please call Susan Lin at (818) 863-7817. If she is not in, please refer to the Quick Reference guide below, as to who to call next. Someone must be notified and the person should not be turned away. No appointment is necessary to come in and see the File.
2. Either Taka or Susan will meet the individual in the Lobby and escort them to the Political File.
3. The individual must sign in and show proper identification, however, the individual cannot be asked if they represent or are requesting information on behalf of any group or organization. Being a member of the public grants them access to inspect the files.
4. At no time is this person to be left alone while viewing the Political File. If they want copies of anything, the File is to be locked while an ABC7 employee goes to make the copies.

QUICK REFERENCE

General Public Inspection File Questions should be directed to the people listed below and in this order:

1. Ruth House – (818) 863-7223
2. Teresa Samaniego – (818) 863-7221
3. Diane Medina – (818) 863-7231
4. Julie Farias – (818) 863-7233
5. Taka Stephens – (818) 863-7829

Political File Questions should be directed to the people listed below and in this order:

1. Taka Stephens – (818) 863-7829
2. Susan Lin – (818) 863-7817
3. Molly Quinn – (818) 863-7853
4. Tom Levee – (818) 863-7821
5. Ruth House – (818) 863-7223

CHIEF OPERATOR

If someone asks to see the Chief Operator of the Public Inspection File, that is John Holland and he should be called at (818) 863-7301. If he is unavailable, Jim Rogers is the Alternate Chief Operator, and he can be reached at (818) 863-7319.

If none of the people under Quick Reference are available, either John Holland or Jim Rogers can be contacted to help the individual with the Public Inspection File.

Note: If anyone identifies themselves as with the FCC, Arnie Kleiner should be contacted immediately at (818) 863-7707.



FEDERAL COMMUNICATIONS COMMISSION

Enforcement Bureau
Western Region
18000 Studebaker Road, Suite 660
Cerritos, CA 90703
(562) 860-7474

April 23, 2010

ABC Holding Company, Inc.
Licensee of KABC-TV
500 Circle Seven Drive
Glendale, CA 91201

Reference File No.: EB-10-LA-0020

Letter of Inquiry

The purpose of this letter is to follow up on issues resulting from an inspection of KABC-TV, Los Angeles, California, on February 25, 2010 by agents of the Enforcement Bureau's Los Angeles Office. At the time of the inspection, approximately 12:00 p.m., the agents, who did not identify themselves as FCC agents, attempted to obtain access to the KABC-TV public inspection file located at the KABC-TV main studio location in Glendale, California. The agents were instructed by KABC-TV security guards and personnel that an appointment was necessary in order to view the public inspection file. One of the agents telephoned the designated staff person to make such an appointment but was only able to leave a message for that individual. Almost three hours later, the KABC-TV staffer telephoned the agent and told him that he needed to make an appointment to view the public inspection file as well as a separate appointment to view the station's political file. The agents returned to the KABC-TV main studio on February 26, 2010, and were again told that they needed to make an appointment to view the public inspection file. They were ultimately allowed access to the file once one of the agents identified himself as an FCC agent and showed the security guard his FCC credentials.

Section 73.3526 of the Rules ("Rules") requires every licensee of an AM, FM, or TV broadcast station to maintain a public inspection file at its main studio and make that file available for public inspection at any time during regular business hours.¹ To resolve the issues with respect to this TV station, and pursuant to Section 403 of the Communications Act of 1934, as amended,² and pursuant to Section 73.3526 the Commission's Rules,³ provide a complete explanation to the following questions along with the requested information and any relevant documents:

(1) Explain your policy concerning public access to the KABC-TV public inspection file. How does the station assure the public access to the public inspection file? How does this policy comply with Section

¹ 47 C.F.R. § 73.3526.

² 47 U.S.C. § 403.

³ 47 C.F.R. § 73.3526.

73.3526(c) of the Rules and the Commission's precedent concerning public access to a station's public inspection file? How long has this policy been in effect? What date did KABC-TV begin this policy?

(2) Is it your policy to require the public to make an appointment to access the station's public inspection file or political file? Explain the procedure you use to maintain this policy. How long has this policy been in effect? What date did KABC-TV begin this policy?

(3) How long does the appointment process take? How many days in advance must an appointment be made to view the KABC-TV public inspection file or political file? What is the average wait time between the appointment and the viewing of the file?

(4) Provide any other information that may be relevant to this inquiry.

Submit a sworn affidavit or declaration under penalty of perjury, signed by a principal, officer or director of ABC Holding Company, Inc., attesting to the truth and accuracy of the response. Any false statement made knowingly and willfully in reply to this inquiry is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

The Privacy Act of 1974⁵ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

Submit the response to the FCC at the address in the letterhead within fourteen (14) days from the date of this letter.

Sincerely,



Nader Haghighat
District Director
Los Angeles District Office
Western Region

⁴ 18 U.S.C. §§ 1001 *et seq.*; *see also* 47 C.F.R. § 1.17.

⁵ P.L. 93-579, 5 U.S.C. § 552a(e)(3).